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SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 April 1997, at 6 p.m.

Chairman: Mrs. BAUTISTA (Philippines)
(Vice-Chairman)

later: Mr. SOMOL (Czech Republic)
(Chairman)

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GE.97-12799 (E)

The meeting was called to order at 6.25 p.m.

INDIGENOUS ISSUES (agenda item 24) (continued) (E/CN.4/1997/100, 101 and 102; E/CN.4/Sub.2/1996/21)

1. Mr. LILLO (Chile) said that the inclusion of indigenous issues on the Commission's agenda reflected a growing awareness in the international community of the highly vulnerable situation of indigenous peoples.

2. He commended the progress made by the Working Group on the draft declaration on the rights of indigenous peoples but was deeply concerned at the intolerance evidenced during its second session. While he understood the frustration of indigenous organizations over delays in concluding work on the draft declaration, it was of the utmost importance to realize that discussion and negotiation at the governmental level was an essential preliminary to the adoption of the declaration by the General Assembly. As a country genuinely committed to the promotion of indigenous rights Chile viewed with concern the disruptive attitude of some indigenous organizations and trusted that reason and good sense would prevail at the third session of the Working Group.

3. His Government strongly supported the establishment of a permanent forum in the United Nations system for indigenous people. The excellent report on existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493) drew attention, in paragraph 166, to the striking absence of a mechanism to ensure regular exchange of information between interested parties. That absence must be viewed with concern, particularly as the existence of such deficiencies and contradictions within the system had also been recognized by other United Nations bodies concerned and by indigenous organizations. It was therefore important to continue the discussion of the proposed forum as a priority objective of the Decade. His Government hoped that the Commission would adopt by consensus the resolution on the holding of a second workshop on that subject in Chile.

4. Ms. RIKOVA (Russian Federation) said that the Federation, in which several dozen indigenous minority peoples had their home, recognized its responsibility to safeguard their rights and interests and attached the utmost importance to work on the draft declaration. She welcomed the wide participation of indigenous organizations in the second session of the Working Group, which confirmed the rightness of the decision to liberalize their access to such bodies. The session, which had been marked by frank and sometimes sharp exchanges, had brought the adoption of the declaration a step nearer; but its full adoption would be more rapidly achieved by mutual recognition of the interests of all parties involved than by confrontation. The Federation supported the programme of activities for the Decade and welcomed the increasing involvement of United Nations agencies and programmes. The needs of indigenous people should also be duly reflected in the reorganized structure of the Centre for Human Rights. In her country, the National Organizing Committee for the Decade had adopted a comprehensive plan that included such matters as legal and economic support for the safeguarding and development of traditional lifestyles of the indigenous peoples of the North, environmental protection, education, health and the revival of national cultures.

5. It was clear from the report on existing mechanisms, programmes and procedures (A/51/493) that they made no provision for a regular exchange of information or for the effective participation of indigenous peoples in the activities of the United Nations system - a decisive argument for the creation of a permanent forum on a broad representational basis. Her delegation supported the proposal for the holding of a second workshop on the question and welcomed the offer by the Government of Chile to act as host country.

6. Mr. LONG Xuegun (China) said that, as a result of European colonialist policies, many indigenous peoples were still unable to enjoy full social, cultural, civil and political rights. Although there were no indigenous issues in China, whose peoples had lived for many generations on their own land and had successfully repelled colonialist and other aggressors, his Government was deeply concerned at the protection of the rights of indigenous people, with whose unfortunate experiences it profoundly sympathized. It applauded the various activities undertaken by United Nations bodies on their behalf.

7. His delegation believed that the Working Group on the draft declaration should take full account not only of points raised in the draft submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, but also of suggestions made by representatives of both States and indigenous organizations. The definition of an indigenous people and the scope of application of the declaration deserved particular attention. Those peoples had features which uniquely differentiated them from other groups and should be adequately reflected in the definitions included in the draft in order to ensure that the special rights recognized were applied to genuinely indigenous people. His delegation hoped that a consensus text would be submitted to the Commission at an early date and was ready to join in a common effort to achieve that end.

8. Mr. QUAYES (Bangladesh) said that his delegation based its approach to indigenous issues on the conviction that the settler-indigenous dichotomy - the imposition of external value systems on original or traditional inhabitants, accompanied by their total dispossession and marginalization - lay at their root. The report on existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493) pointed to a notable difference in the level of activity of the bodies concerned. In spite of the growing number of programmes and projects being implemented, the continuing lack of a clear set of criteria to identify genuine claimants to indigenous status should be viewed with concern.

9. His delegation was puzzled by the persistent refusal of some to recognize the need for a focused but inclusive definition or a broad set of criteria for identifying indigenous people. The Coordinator of the Decade, for example, had referred at the fourteenth session of the Working Group on Indigenous Populations to 300 million indigenous people of the world, but his delegation's request for information on how that figure had been arrived at had received no response. Nor had its request to observer States for information on the criteria by which they distinguished their indigenous from their non-indigenous population. There was, perhaps, a need to recognize a

category of "indigenous people minus", which would exclude those who had benefited from the process of decolonization and formed independent nation States.

10. Turning to the report on the second session of the Working Group established in accordance with Commission resolution 1995/32 (E/CN.4/1997/102), he commended the efficient manner in which its Chairman had conducted its deliberations, at times in a somewhat charged atmosphere, but thought that attention could have been more usefully focused on substantive work on the draft declaration. The existing draft did not adequately recognize the diverse situations of indigenous peoples throughout the world, including those that had obtained statehood through decolonization. The draft should also cover the continued threat to indigenous cultures posed by the impact of "global" culture. His delegation hoped that NGOs and non-State organizations of indigenous people would continue their valuable contribution to the work of the inter-sessional Group.

11. During the Group's second session, his delegation had reacted with concern to the expression of substantive and interpretative views by a representative of the ILO secretariat, which clearly exceeded secretariat competence.

12. Mr. WILSON (New Zealand) reaffirmed his Government's commitment to the objectives of the Decade and welcomed the report on activities undertaken over the two preceding years (E/CN.4/1997/101). His delegation looked forward in particular to the implementation of the fellowship programme for indigenous people at the Centre for Human Rights, and welcomed the establishment of an "indigenous unit" within the Centre. It also applauded the increased priority being given within the United Nations system to indigenous issues, which would be furthered by the inter-agency meeting coordinated by the Centre. It welcomed the commitment of specialized agencies to work in that area. The Secretary-General's comprehensive report on existing United Nations provisions for indigenous issues (A/51/453) deserved further consideration and discussion.

13. His Government had chosen to make 1995, the first year of the Decade, the Year of the Maori Language and had provided the Maori Language Commission with \$NZ 500,000 to organize activities and promotional projects and another \$NZ 400,000 to help fund a national Maori language survey. To the underlying theme of language-specific celebrations were to be added education and Maori arts.

14. His delegation hoped that a wide international consensus would be reached on the draft declaration. To that end it was important that the Committee on Non-Governmental Organizations and the Economic and Social Council should take measures to accelerate the process of accrediting outstanding applications from indigenous organizations. His delegation was pleased to note the large number of delegates of such organizations that had participated in the most recent session of the Sub-Commission's Working Group on Indigenous Populations. The focus on health issues at that session had facilitated a valuable exchange of views between experts within the United Nations system, indigenous communities and Governments.. His own

Government strongly supported the work of the World Health Organization specifically directed to improving the health of indigenous peoples.

15. He took the opportunity to remind other delegations that New Zealand was to introduce the draft resolution on the Sub-Commission's Working Group on Indigenous Populations and the International Decade of the World's Indigenous People. He hoped that discussion of the text with all interested delegations would lead to its adoption by consensus.

16. Mr. Somol (Czech Republic) took the Chair.

17. Mr. CHAVEZ (Observer for Peru) said that in Peru, which was a multi-ethnic and multi-cultural country, all aboriginal languages had official status in districts where they predominated, and rural and indigenous communities enjoyed autonomy and inalienable ownership of their land. Accordingly, his delegation took particular interest in the deliberations of the Working Group on the draft declaration and welcomed the significant progress made over the past year, not only on specific points but in its method of work, which set aside for later consideration matters on which opinions were most divided. His delegation shared, however, the concern expressed by many others regarding the tactics adopted by some representatives of indigenous peoples. While their participation in the work of drafting was essential, experience had shown that progress could only be made more rapidly in an atmosphere of mutual trust that avoided sterile procedural debates.

18. His delegation agreed with others that further consideration should be given to the idea of a permanent forum for indigenous people at a second workshop, preferably held in Chile. His country's view had always been that it was for the State to represent the interests and aspirations of all its nationals, including indigenous people, and Peru would give careful consideration to any options that might contribute to the protection and promotion of their rights. The idea of a permanent forum should, however, be considered in close conjunction with the declaration and should be evaluated in the light of the substantive progress achieved in preparing the draft.

19. Mr. VIGNY (Observer for Switzerland) expressed his Government's support both for the adoption of the declaration and for the establishment of a permanent forum, which would allow indigenous people to bring their views and concerns to the attention of the international community. Such people were sometimes in urgent need of special protection for their way of life and culture not adequately afforded by existing international instruments, and the declaration should both protect their interests and include an undertaking on their part to respect the wider rights enshrined in other human rights instruments, especially the Universal Declaration. It was essential that impetus should not be lost in sterile discussions over definitions. What was needed was a realistic approach based on mutual confidence. Discussions must be constructive, reflecting true international cooperation and directed towards the concrete solution of the manifold problems involved.

20. One of the keys to their solution might well be the principle of subsidiarity, that what could be decided or put into effect locally should not necessarily be made uniform or centralized at the national level. The long federal experience of Switzerland had demonstrated that that principle could

meet the needs of ethnic, religious and linguistic minorities and of indigenous peoples while ensuring the cohesion and development of the population as a whole. Indigenous peoples should be neither isolated nor assimilated but integrated, an objective to which the establishment of a permanent forum would be a valuable adjunct. Switzerland was also working towards that end by providing logistic and financial support to indigenous delegations in Geneva and through its contributions to the Voluntary Fund. Although Switzerland had no indigenous people on its territory, it recognized their especially vulnerable situation and regarded support for them as a barometer of respect for human rights.

21. Ms. TALVET (Observer for Estonia) said that, while her delegation applauded the increasing attention being given by the international community to indigenous issues, it was imperative that rapid progress should be made towards the achievement of the main objectives of the Decade: the adoption of the draft declaration and the establishment of a permanent forum for indigenous people within the United Nations system.

22. The tension and bitterness evident in the sessions of the Sub-Commission's Working Group on Indigenous Populations and the Working Group on the draft declaration reflected the growing impatience of indigenous people, who hoped that, even if not legally binding, the declaration might exert moral pressure on Governments to ameliorate their condition. The survival of many numerically small populations was in fact at stake, and, even in countries with long democratic traditions, eradicating the vestiges of past repression was no easy task; and in countries where human rights were neglected the task was even greater, as the High Commissioner for Human Rights had emphasized. Governments should not arbitrarily hinder contacts between indigenous peoples and between them and groups and individuals working to improve their situation.

23. Her delegation believed that changes in the procedure and functioning of the Commission's Working Group might give impetus to the drafting process. As far as the permanent forum was concerned, there was, in her view, no further need for discussion of the principle; attention should be concentrated on the precise ways in which it should function. She warmly appreciated the offer by the Government of Chile to host the second workshop on the forum.

24. Mr. GONZALEZ DE LINARES (Spain) expressed his delegation's support for the establishment of a permanent forum and for the participation of indigenous peoples in activities to that end. It also supported the principle that the forum should function under the aegis of the Economic and Social Council and include in its mandate matters relating to human rights, development, the environment, health, education and culture. Its membership should comprise government and indigenous representatives, and independent experts able to provide assistance to indigenous organizations, whether or not in consultative status. Its constitution might well draw on the experience acquired by the Latin American region in setting up the Development Fund for Indigenous Peoples of Latin America and the Caribbean at the Second Summit of Latin American Heads of State and Government in 1992, of which Spain was a founding member and current vice-president. It was based on the innovative mechanism of promoting sustainable self-development of indigenous peoples of the region by establishing a forum for dialogue and consultation between

governments, indigenous peoples, NGOs and international organizations. Its successful functioning had been demonstrated at the first General Assembly of the Fund in Bolivia in 1995.

25. The contribution of Spain to the preservation of the unique character of indigenous peoples had two main policy objectives: indigenous participation in international and national forums of every kind and in the formulation of their own development plans; and the financing of educational and training programmes for indigenous leaders, including training in the media and new technologies. Spain had contributed more than US\$ 5 million over the past year to a number of projects in such fields as health, biodiversity, environment and the advancement of indigenous women. In that connection, he drew attention to the International Conference on the Intellectual Property of Indigenous Peoples to be held in Madrid in September 1997.
26. Mr. CAMPBELL (Observer for Australia) said that his Government was engaged in a process of reconciliation between its indigenous and non-indigenous citizens; a major forthcoming event in that process was a convention hosted by the Council for Aboriginal Reconciliation, which would be attended by more than 1,000 people from all over the world. In line with its conviction that wide consultation was essential in dealing with indigenous issues, his Government was actively encouraging indigenous peoples to participate as fully as possible in discussions of the complex issues raised by the draft declaration. It welcomed the introduction of new themes for discussion in the Working Group on Indigenous Populations and supported the International Decade, which must be based on true partnership and mutual respect.
27. Australians generally were developing a deeper appreciation of the diversity of Aboriginal and Torres Strait Islander cultures and aspirations and of their contribution to the enrichment of Australian society. Within the framework of the Decade, the Aboriginal and Torres Strait Islander Commission had, among other activities, prepared a plain English version of the draft declaration accompanied by an analysis of the draft and an information kit.
28. Mr. GILBERT (Indigenous World Association) stressed the importance of the earliest possible adoption of the draft declaration, which should be effected by the General Assembly in line with Economic and Social Council decision 1995/32. There was a grave risk that the prolongation of discussion of the draft would weaken the principles intended to protect the rights of indigenous peoples.
29. Specifically, the Association insisted on the use of the phrase "indigenous peoples" throughout the text and opposed the use of "minorities", which could lead to confusion of indigenous issues with those relating to minority groups in general. The principle of self-determination must also be maintained in full force since it embodied an essential human right which should not be denied to indigenous peoples by any nation State. Within the framework of the International Decade, the Association called for greater political and economic commitment by Governments to educating public opinion about indigenous issues. It specifically requested the United States Government to hold regional meetings to inform native American tribal

organizations about United Nations activities in promoting indigenous rights, and to encourage them to participate and work on the draft declaration.

30. He welcomed the wide support expressed for the establishment of a permanent forum, whose mandate should cover economic, social, development, environmental, cultural and human rights issues. It should also include provision for receiving complaints about any neglect or abuse of their rights, and should monitor the implementation of the declaration and assist the achievement of independence by indigenous nations from colonial States. The forum should not duplicate the activities of the Working Group on Indigenous Populations but should operate at a higher level within the United Nations system. Its establishment should be completed during the International Decade.

31. He urged the completion of the Special Rapporteur's study on treaties and other constructive agreements between States and indigenous populations, which should be made available to indigenous peoples.

32. Finally, he wished to draw attention to two violations of indigenous rights in the United States. The first concerned the proposed Fence Lake Coal Mine Project in New Mexico, which would destroy the traditional pilgrimage trail to the sacred Salt Lake and jeopardize the use of the sacred shrine. There was in fact very little protection of indigenous religions in general in the United States. The second violation concerned the requirement of approval by the United States Government of casino gambling enterprises on Indian reservations. That requirement was in clear violation of indigenous self-determination.

33. Ms. DOROUGH (Indian Law Resource Center) said that her organization, which provided free legal assistance to indigenous peoples in North, Central and South America, commended the Inter-American Commission on Human Rights for its efforts to advance indigenous rights but had reservations about the proposed American Declaration on the Rights of Indigenous Peoples recently adopted by that Commission and its recommendation that members of the Organization of American States (OAS) should adopt the Declaration at its 1998 General Assembly. She urged representatives of indigenous peoples to seek information as soon as possible from OAS, and called on Governments intent on amending the proposed Declaration to consult with indigenous peoples.

34. The principle of indigenous peoples' participation in United Nations decision-making had been recognized by a number of international organizations, including the Working Group on Indigenous Populations. Of special significance was the decision of the Commission on Human Rights to ensure such participation in the preparation of the draft declaration, which recognized the fact that participation should not be confined to NGOs.

35. Indigenous peoples could make an important contribution to United Nations activities, specifically in the field of human rights, and States seeking to limit their participation were clearly indicating that they wanted to exclude such contributions in the very declarations dealing with their situation. Indigenous peoples, unlike many NGOs, did not participate in United Nations activities as lobbyists with special interests but as representatives of indigenous governments, nations, communities and tribes

with collective and individual rights for which they were seeking to obtain full recognition and respect. Existing United Nations rules and procedures must be revised to enable genuine and lasting relationships to be established between indigenous peoples and States.

36. Her organization urged members of the Commission to support the proposed study on indigenous land rights, which were of fundamental importance to indigenous peoples. The study could initiate the process of education needed for informed United Nations action and could recommend practical measures for the peaceful resolution of land and resources disputes. The funds required for the study would not be substantial and would be reduced by the fact that indigenous peoples were eager to provide the essential information required.

37. Mr. RAVENNA (Permanent Assembly for Human Rights) said that his organization was in favour of the establishment of a permanent forum for indigenous peoples, but the term "indigenous" carried implications that must be clearly understood. Traditionally it had been defined by biological, linguistic and cultural criteria. In his organization's view, the concept of "Indian", commonly applied to the indigenous peoples of the Americas, was a supra-ethnic category referring not to characteristics of the groups it designated but to their particular relation with the societies of which they formed part. The concept had come into being with the discovery of America in 1492. Prior to that date there had existed a rich diversity of cultures, whereas after it the indigenous inhabitant or Indian had been perceived only in terms of the colonial situation, a hierarchical order with the white man at the top. In the case of Argentina, the indigenous problem was viewed as a purely demographic matter, whereas indigenous claims were much wider in scope, relating to the defence and recovery of lands, recognition of ethnic and cultural specificity, equality of rights, and rejection of repression, violence and commercialization of their culture.

38. He wished to bring to the attention of the Commission two violations of indigenous rights in Argentina. The Pulmari Corporation was a legally constituted body whose purpose was to administer extensive lands rich in gold, silver and other metals in the province of Neuquén and thereby assist the development of the indigenous peoples of the area. The decision by the Government to compel the Corporation to hand over some 140,000 hectares for private exploitation had given rise to a confrontation with the indigenous communities, and, under government pressure, the Corporation had obtained a court order to expel the indigenous people from their lands. In his organization's view, the Corporation should respect the relevant provisions of the Constitution and withdraw its charges against indigenous people who had acted in defence of their land, and a rigorous investigation should be carried out by the Argentine authorities into the irregularities committed by the directors of the Corporation.

39. Another alleged violation of human rights concerned a team from the University of Buenos Aires and the National Council for Scientific and Technical Research which had been taking blood samples from the indigenous communities for research purposes. The province of Neuquén had refused permission for this research to be carried out in its territory but, unknown to the local people, another study authorized by the Government was also being

carried out in the same area, and it was alleged that the first team had taken advantage of the confusion arising from this fact to take unauthorized blood samples.

40. Mr. Suhas CHAKMA (Asian Cultural Forum on Development) said that although some Member States recognized the problems of indigenous peoples, genuine dialogue had yet to begin. Coexistence did not give the right to impose alien cultural or ethical values. It implied recognition of equality in all spheres and mutual respect, but although the mode of operation of colonial and neo-colonial forces had changed a little, oppression continued and there was no sense of moral outrage at the unspeakable wrongs committed against indigenous peoples.

41. The failure of Governments to facilitate genuine dialogue was illustrated by the pressure put by the Government of Bangladesh on the Government of Thailand not to issue visas to the Jumma and Bengali representatives wishing to participate in the International Peace Conference on the Chittagong Hill Tracts held in Bangkok in February 1997. The Conference had recommended the Government of Bangladesh and the political organization of the indigenous Jumma peoples to invite a facilitator or facilitators acceptable to both parties to help them resolve their differences, to establish a joint commission and to respect article III of the 1949 Geneva Convention. It had also recommended the Government of Bangladesh to act in accordance with its stated willingness to resettle and rehabilitate settlers outside the Chittagong Hill Tracts, and to demilitarize the Tracts progressively, to dismantle the cluster villages of the Jummas, and to provide unrestricted access to the Tracts for national and international media and observers.

42. The Commission should authorize the holding of a second workshop on the permanent forum in June 1997, approve the Sub-Commission's resolution on the study on indigenous land rights, and extend the mandate of the Independent Expert to monitor the peace process in Guatemala. His organization was also concerned about the denial of equal participation of many indigenous groups in the Working Group on the draft declaration, and about the persistent attempts of Asian Governments to dilute the rights of indigenous peoples.

43. Mr. BARKER (International League for Human Rights) explained that his statement would present the views of a number of leading Aboriginal organizations of Australia, a country whose international rhetoric on human rights starkly contrasted with its limited domestic implementation of its international obligations. Successive Australian Governments had failed to observe the rights enshrined in the international Covenants. Indigenous people had a life expectancy 17 years less than other Australians and their infant mortality was three times higher; the unemployment rate was four times higher; indigenous families comprised only 1.4 per cent of families in Australia but accounted for 22 per cent of the homeless and 38 per cent of those living in poverty; they were also imprisoned at over 18 times the rate for other Australians.

44. One of the most serious forms of human rights abuse of indigenous people in Australia had been the forced removal of children from their families, which had continued until the 1960s, but the present Government had indicated

that it would not consider any kind of compensation. It had, however, reluctantly accepted its predecessor's legislation giving minimal effect to the 1992 High Court judgement that indigenous peoples retained common-law title to their traditional lands in some circumstances. Opponents of such title had, however, launched a massive campaign to put pressure on the Government to legislate away the limited rights recognized by another High Court decision relating to land held under pastoral leases. Of particular concern was the risk that spiritual attachment to the land would be removed as a relevant consideration in determining the damage to indigenous interests caused by mineral exploitation - a principle to which the Government was committed under article 27 of the International Covenant on Civil and Political Rights. Those concerns had to be seen in the context of the necessity for a much wider political and legal reconciliation between indigenous and non-indigenous Australians.

45. With regard to the draft declaration, he said that experience in the Working Group had caused indigenous people to wonder whether Governments were truly committed to the adoption of a declaration properly reflecting their concerns and aspirations. All participating Governments must recognize: the essential link between indigenous peoples and their land and resources; that acknowledgement of collective rights was essential to the protection of indigenous cultures; and that the integrity of the draft declaration depended on acceptance of the right of indigenous peoples to self-determination.

46. Mr. POMA (World Council of Churches) said that his organization welcomed the inclusion of an agenda item on indigenous issues. In pursuance of its long-standing interest in United Nations action on behalf of indigenous peoples, it wished to make the following recommendations: that the Commission should adopt resolution 1996/38 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and endorse the appointment of Mrs. Daes as Special Rapporteur for the study of indigenous land rights and the environment; that it should adopt the draft declaration in its present form as representing minimum standards for safeguarding indigenous cultures; and that it should support the prompt establishment of a permanent forum for indigenous peoples within the United Nations.

47. His organization had been greatly saddened by the walk-out by indigenous representatives at the 1996 open-ended inter-sessional working group on the draft declaration, which appeared to be a direct result of the failure by government representatives to recognize the rights of indigenous people to participate in an open and meaningful manner. In order to ensure that indigenous participation should not continue to be restricted in other United Nations forums, an urgent review of United Nations norms and procedures for such meetings might be required.

48. Ms. YAMBERLA (International Organization for the Development of Freedom of Education) said that the Commission's decision to include an item on indigenous issues on its agenda had given fresh impetus to its work in that field; that impetus must be maintained. The time had come for the United Nations and the international community to recognize that indigenous participation in the present forum was based on their situation as historically constituted peoples and nations. During the second session of the Working Group on the draft declaration, the representatives of indigenous

peoples had made it clear that the draft gave expression to the minimum conditions essential for their survival. They therefore viewed with concern the passing of the years of the Decade, which they saw as a starting-point for recognition of their rights. Education was one of the essential pillars in the work of indigenous peoples, and the Third University of Human Rights would devote particular attention to indigenous subjects as a basis for real progress in work on the Declaration.

49. Among the many concerns of indigenous people was corruption in various countries of which they formed an important part and where violence continued to be a major scourge. It was essential for the international community to contribute through the work of the Commission to the building of peace in such countries as Mexico, Colombia and Guatemala. In the latter country, despite the efforts that had been made, much remained to be done; her organization therefore strongly urged that the mandate of the Independent Expert for Guatemala should be extended. It welcomed the establishment of a national planning and development council for indigenous peoples in Ecuador, which would ensure respect for the full autonomy of indigenous and coloured people. And it supported the resolutions adopted by the Sub-Commission on indigenous populations and the proposal for the establishment of a permanent forum, the holding of a second workshop and other arrangements for regional consultations. The draft declaration should embody and complement all rights recognized by other international instruments.

50. Mr. ARIAS (American Association of Jurists), speaking on behalf of the World Alliance of Indigenous and Tribal Peoples of the Tropical Forests, said that if indigenous peoples were to participate fully in United Nations bodies, it was essential that their status as peoples, communities and tribes should be recognized, as it was in the revised constitutions of such countries as Bolivia, Chile, Colombia and Guatemala, without reference to any association with NGOs. That would entail changes in the rules of the Commission, a fact which he hoped representatives of Governments would recognize, and the establishment of a permanent forum, which many Governments considered should be at the highest possible level within the United Nations system, thus enabling indigenous peoples to participate in the discussion of many questions from which they were at present excluded. The forum would also study such matters as the protection of the cultural heritage of indigenous peoples, their land rights, treaties and other agreements, and any problems left unresolved at the end of the Decade.

51. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said that the majority of indigenous peoples belonged to rural and peasant populations, whose development was the concern of his organization. They made up the most impoverished and marginalized of Asian societies, where their struggles were often stifled by government forces. He cited as examples the deplorable situation of the Karen people in Burma, to which they were being forced to return from Thailand, and the indigenous peoples of Kerala in India. On the other hand, in the Vichada region of Colombia, where 70 per cent of the population was indigenous and rural, a level of social, cultural and economic well-being was being achieved that was a challenge to all aiming at achieving "more human" development for indigenous communities. As against the cultural disintegration suffered by the indigenous communities of the Guaranis in Brazil, indigenous populations were recovering their identity through concrete

measures undertaken by themselves. He cited examples from Guatemala, Mexico and Peru. Such achievements were promoted and supported by local, regional and continental organizations of indigenous peoples, in which the Federation participated.

52. The award of the Nobel Peace Prize to two East Timor leaders gave recognition to the struggle of indigenous people to reclaim their culture, education and traditional religions and their right to self-determination. The Federation sought to develop national and international solidarity between rural people of all continents taking into account cultural diversities and different value systems.

53. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that her organization, which was particularly concerned with the rights of indigenous peoples, had been asked to speak on behalf of the Chiapas groups in Mexico. As a result of their marginalization and exploitation by government authorities, an armed conflict had broken out in January 1994. Through that conflict they sought recognition of their rights as individuals and communities, including access to basic services such as education and health, use and possession of land, and respect for their cultural identity and autonomy.

54. Talks between the insurgent forces and the Mexican Government under national and international auspices had been marked by a lack of political will on the part of the Government to resolve the conflict, and the progress made at the negotiating table had never been translated into practice. At the last round of talks, an agreement had been signed by the Zapatista National Liberation Army representing the insurgent forces, the Concord and Pacification Commission representing the Government, and the National Mediation Commission for presentation to the Government. The proposal received and discussed by the Federal Congress had been substantially different, however, and the Zapatista Army had decided to withdraw from the negotiations.

55. During the ensuing spiral of violence, paramilitary gangs, acting under the cover of the Mexican army and security forces, had launched attacks on indigenous communities suspected of supporting the insurgents, leaving 50 killed and 20 wounded during February and March 1997. Whole communities had been uprooted, and there had been scores of arbitrary arrests and disappearances of peasants belonging to the communities. The imminence of federal and state elections had raised confrontations and repression by the army and security forces to new heights, preventing any renewal of negotiations between the insurgents and government authorities. Her organization therefore requested the Commission to concern itself with that grave problem and lend its support to international mediation between the forces in conflict.

56. Mr. DAHL (Inuit Circumpolar Conference) said that some 115,000 people lived in the high Arctic, divided from one another by four different State borders but sharing the same ancestors, culture and language. His organization strongly felt that the draft declaration should be adopted without further delay. Any attempt to dilute its terms would be unacceptable

to indigenous peoples, which stood to benefit from the standards it set. He urged the Commission to take steps to ensure direct and full participation of those peoples in the activities of the Working Group.

57. Concrete and visible progress was also urgently required towards the establishment of the permanent forum, and his organization supported the suggestion that a second workshop should be held, possibly in Chile. The forum must be given terms of reference and resources to enable it to facilitate positive dialogue between Governments and indigenous peoples, and should therefore operate at the highest level of the United Nations system. He also urged the Commission to accept the recommendation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that a study on land rights, which were of great importance to indigenous peoples, should be launched as soon as possible. In that connection, he drew the attention of members of the Commission to the violation of human rights suffered by the Inuit people of northern Greenland; they had been forcibly relocated by the Danish Government to make room for a United States military base in 1953 and had as yet received no meaningful redress.

58. Mr. Gantam CHAKMA (Human Rights Protection Forum) welcomed the Commission's decision to include an item on indigenous issues in its agenda. The Working Group on Indigenous Populations should continue to operate, but there was also a clear need for a permanent forum. He supported the resolution calling for a second workshop to be held in Chile, which should be supplemented by regional meetings in Asia and other parts of the world.

59. He wished to draw the attention of members of the Commission to the grave violation of human rights suffered by the Jummas of the Chittagong Hill Tracts, 50,000 of whom were living as refugees in India and had been denied the right of safe return to their homeland in Bangladesh. The Government of that country remained unwilling, in spite of prolonged negotiations, to accede to their minimum demands for self-determination. Even during the present ceasefire, violations of human rights against individuals had continued.

60. Mr. LITTLECHILD (International Organization of Indigenous Resource Development) welcomed the improvements that had been made in the presentation of the second report of the inter-sessional working group (E/CN.4/1997/102), but regretted its reference to the participation of organizations such as his as "observers". He urged the immediate adoption of the declaration without amendment or deletion. His organization was greatly encouraged by the statement in paragraph 332 of the report that Canada accepted a right of self-determination for indigenous peoples and urged other members of the Commission to follow that lead and proceed to early adoption of the declaration and other related international instruments.

61. The need for the establishment of a permanent forum was underlined by continuing violations of Treaty 6 rights by the Canadian Government, for example by the introduction of a bill proposing modifications to the Indian Act in spite of strong opposition by Indigenous First Nations.

62. His organization looked forward to receiving the final report of the United Nations Treaty Study, Treaty 6 being one of those selected for a special review. He urged that full support should be given to the study on

indigenous land rights and commended the work of Mrs. Daes as Special Rapporteur. Wherever possible, use should be made of indigenous experts in such work. Urgent as the establishment of a permanent forum was, it was essential that the activities of the Working Group on Indigenous Populations should be continued as well.

63. Mr. HUSSEIN (Malaysia) said that indigenous populations had long been victims of colonization, discrimination, repression and genocide, one of the most horrific examples of which had followed the discovery of the "New World". Malaysia had also suffered grievously under the yoke of colonization, but, starting in 1970, its Government had launched the "New Economic Policy", which had raised the status of its people from social, economic and political backwardness to one characterized by political stability, national unity and economic prosperity. A number of developing countries were taking that as a model for emulation. There remained a very small segment of its indigenous population that lagged behind the other communities, and his Government had taken comprehensive steps to address that situation. Some individuals and groups, misled by romantic idealism, had argued that those indigenous people should be left alone in their natural surroundings, but his Government knew only too well the consequences of such a policy of benign neglect - alcoholism, widespread suicide, and family breakdown - and recognized that the best way of helping the indigenous populations was to accelerate their integration into the global community.

The meeting rose at 9 p.m.